
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DIONE RICHARDSON,

Plaintiff,

v.

DOLLAR TREE,

Defendant.

**MEMORANDUM DECISION AND
ORDER ADOPTING [21] REPORT AND
RECOMMENDATION**

Case No. 2:23-cv-00332-DBB-CMR

District Judge David Barlow

The Report and Recommendation¹ issued by United States Magistrate Judge Cecilia M. Romero on December 13, 2023, recommends that the court grant in part Defendant's² Motion to Dismiss under 12(b)(6)³ and dismiss Plaintiff's Complaint without prejudice.

Judge Romero identifies two grounds for her recommendation to grant in part Defendant's Motion to Dismiss. First, Judge Romero explains that the court cannot conclude Plaintiff's claim was timely based on the facts alleged in the Complaint.⁴ And second, the Complaint lacked sufficient factual allegations to plead a hostile work environment claim.⁵ Judge Romero recommends dismissing Plaintiff's complaint without prejudice given that the Plaintiff may be able to address the deficiencies in her Complaint.⁶

¹ Report and Recommendation, ECF No. 21, filed Dec. 13, 2023.

² Defendant's Motion to Dismiss notes that the Complaint erroneously names Dollar Tree as the defendant, as opposed to Family Dollar, a subsidiary of Dollar Tree, Inc. *See* Def.'s Mot. to Dismiss, ECF No. 18, filed Aug. 3, 2023.

³ *Id.*

⁴ ECF No. 21, at 4.

⁵ *Id.* at 4–5.

⁶ *Id.* at 5.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days of its service pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72.⁷ No party filed an objection.

Because no party filed a written objection to the Report and Recommendation by the specified deadline, and because the analysis and conclusions of the Magistrate Judge are sound, the Report and Recommendation of Magistrate Judge Romero is adopted.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED. Defendant's Motion to Dismiss under 12(b)(6)⁸ is GRANTED IN PART and Plaintiff's Complaint is DISMISSED without prejudice. Plaintiff is granted leave to amend her Complaint within 30 days of this order. Failure to do so may result in dismissal of this action without further notice.

Signed February 9, 2024.

BY THE COURT:



David Barlow
United States District Court Judge

⁷ *Id.* at 6.

⁸ ECF No. 18.